



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 17, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Jesse M. Johnson, P.E. of Bohler Engineering for Woodspring Hotel Property Management (applicant) and 4 Executive Park Drive Realty LLC. (owner)** – Review for acceptance and consideration of Final Approval for full site plan review for an extended stay hotel. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076. ***This agenda item is continued from the June 7, 2016 meeting.***

Background: Please refer to the June 2, 2016 Subdivision and Site Plan Memos for background information on this proposal. Since the June 7th meeting peer review comments have been received from CLD and a response to those comments with exhibit plans was received from the applicant (late in the day on June 17th, Staff has not reviewed the newly submitted information).

Also raised by the Board at the June 7th meeting was the applicant's request for a sidewalk waiver. Staff has discussed the proposed improvements to Executive Park Drive (in the CIP) with Public Works Director, Kyle Fox. Sidewalks are not part of the design for the roadway, and the imposition of them for this project would likely never connect to any other parcels, as the remainder of the road is already developed (including 2 other parcels that recently were granted waivers for sidewalks), meaning the Board would not likely have further opportunity to require private developers to build them. Additionally, there are no funds in the Town Budget for sidewalks, meaning the Town also would not connect to a sidewalk if required for this project. Public Works is far more desirous of working with the applicant on other off-site improvements associated with Executive Park Drive.

Completeness: Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers: The applicant has requested the following waivers:

- Section 4.16.b – Drainage calculations shall be done to a positive outfall;
- Section 4.16.c – Drainage calculations due to additional upstream development;
- Section 4.16.1.b – Minimum cover over drainage pipe shall be 3 feet;
- Section 7.05.D.15 – Existing and proposed topography of the site at 2-foot contour intervals;
- Section 7.05.D.19 – Paved pedestrian way or sidewalk along all existing streets.

Recommendation: Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall obtain any required State Permits, provide copies of the permits to the Community Development Department, and note the approvals in the notes on the plan (if applicable);
3. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall indicate any proposed easements on the plan, as applicable, including utility and ingress/egress easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
6. The applicant shall address comments from the town's peer review consultant, CLD, as applicable;
7. The applicant shall address forthcoming comments from Merrimack Village District, as applicable;
8. The applicant shall address the following comments from the Public Works Department:
 - a. A note should be added indicating any work within the public right of way requires a permit from the Highway Division of Public Works;
 - b. The project proposes a new curb cut onto Executive Park Drive – the curb cut shall be coordinated with the Town's plans for the rehabilitation of Executive Park Drive (scheduled in the CIP for FY17-18). Public Works has contracted with VHB to develop proposed plans for Executive Park Drive and received concept plans from Bohler Engineering to use in the analysis. Final design of the curb cut shall be coordinated with the VHB study;
 - c. The proposed curb cut is split between the proposed and existing parcels – will there be an access easement between the parcels? Will the existing two-way entrance to the north of the proposed one be eliminated?
 - d. This project will require approval of the Wastewater Division of Public Works for connection to the sewer;
 - e. A note referencing the Town's stormwater ordinance should be on the plan notes;

9. The applicant shall address the following comments from the Conservation Commission:

- a. The owner shall use a NH Green Snowpro certified contractor for snow maintenance at the site with the hopes of limiting impacts to the environment by proper application of salt or de-icing compounds and sand;
- b. That only low phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicant's contractor first utilize a soil testing facility to determine what levels and application rates may be necessary before doing any application of fertilizers on the site with the newly created or modified green areas.

10. The applicant shall address the following planning staff technical comments:

- a. A signature block for Planning Board signatures shall be added to recordable sheets of the final plans;
- b. Applicant to note required ingress/egress easements per Section 7.05.D.20.f and provide final copies of applicable legal documents to the Community Development Department;
- c. Applicant to substitute recommended plant varieties from Section 10.03.4 where possible within the proposed landscape schedule;
- d. Applicant to note landscape maintenance responsible party for landscaped areas extending across and beyond parcel lines;
- e. Applicant to add a note that certifies lighting plan satisfies the requirements of Section 11.05 for parking lot lighting.
- f. Proposed wall signs indicated on Sheet A2.2, Left and Right side elevations, and on the separately submitted sign design do not appear to comply with sign regulations per Section 17.10.4 of the Zoning Ordinance. The applicant shall revise Sheet A2.2 and the sign design to show compliance with the ordinance or to add a note that all signage will comply with regulations and be properly permitted, or obtain relief from the ZBA.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building addition.
3. The applicant shall address the following comments from the Fire Department:
 - 1) The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the

access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal.

- A. While the current site plan meets the minimum requirements for building access the current design will result in an extremely congested parking area completely surrounding the proposed building. This will hinder the Merrimack Fire Departments ability to access and operate in the area of the proposed building in an emergency situation. A meeting is requested with the developer to discuss access arrangements to this building. The proposal also shows a shared driveway entrance with the existing (closed) hotel building. This entrance is required to be maintained in all weather conditions at all times.
- 2) As this proposal is for new multi-unit hotel building the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system including standpipes as required. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
- 3) The buildings shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.
- 4. The most recently adopted building, fire safety, and electrical code requirements will be requested with building permit applications.

Cc: Planning Board File
Correspondence

Ec: Jack Knowles, WoodSpring Suites Merrimack NH, LLC (applicant)
James Prieto, 4 Executive Park Drive Realty (owner)
Promised Land Survey, LLS
Bohler Engineering, PE
Gregory Michael, Bernstein Shur, Sawyer & Nelson, PA
McMahon Associates
Assessing Department Staff
Building Department Staff
John Manuele, Merrimack Fire Department
Dave Fredrickson, Merrimack Village District
Mark Doyle, Police Department
Kyle Fox, Public Works Department